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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-----------------------|---------------------|------------------|
| 10/027,387 | 12/20/2001 | Patrick V. Bousignore | 6037-001 | 2155 |

7590

03/09/2005

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| EXAMINER |
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GREEN, ANTHONY J

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| ART UNIT | PAPER NUMBER |
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1755

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Non-compliant Amendment

1. The amendment filed on 01 October 2004 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see *68 Fed. Reg. 38611*, June 30, 2003). In order for the amendment to be compliant, correction of the following is required. **Only the section (1.121(h)) of the amendment containing the omission of non-compliant provision must be resubmitted (in its entirety), e.g. the entire "Claim listing" section of applicant's amendment must be re-submitted.**

2. The following item causes the amendment to be non-compliant:

- Applicant has not properly amended claim 10 . Since applicant is canceling the entire claim and rewriting it completely it is believed that the claim would not be considered to be "(currently amended)". That is, it is believed that it would be considered to be a "new" claim since no part of the original claim remains. If applicant wishes to cancel an entire claim then the claim should be labeled as "(canceled)" and a new claim presented immediately preceding the last pending claim or applicant should just insert using underlining that which is being added to the claim and using strikethrough to show that which is being deleted. Also it should be noted that if applicant presents a "new" claim then underlining should not be utilized.

3. Since the non-compliant amendment is a reply to a NON -FINAL OFFICE ACTION, and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135 (c)), applicant is given a time period of **ONE (1) MONTH** from the mailing


Art Unit: 1755

date of this notice within which to re-submit the corrected section which complies with 37 CFR 1,121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony J. Green whose telephone number is 571-272-1367. The examiner can normally be reached on Monday-Thursday 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark L. Bell can be reached on 571-272-1362. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Anthony J. Green
Primary Examiner
Art Unit 1755

ajg
March 3, 2005